

TollFreeNumbers.com

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Federal Communications Commission
Ajit Pai, Chairman
445 12th Street, SW
Washington, DC 20554

December 13, 2017

Re: WC Docket No. 17-192, CC Docket No. 95-155 – SUMMARY OF NPRM COMMENTS AND REPLIES

Dear Chairman Pai,

In going through all of the comments and reply comments and trying to sort it all out in my head, I found myself buried in half a ream of paper, so I thought rather than just add to the confusion, it might be helpful to summarize everyone's comments as fairly and succinctly as possible. I tried to quote each company's response in their own words wherever possible although I didn't footnote it all like the good lawyers love to do, because that would have only added to the length and complexity. If it's in quotes, it's from that company's comments or reply. If there's no quotes, it's my summary of what they said. I tried to state things clearly and with as few words as possible in order to get the point across. Unfortunately, since I had to do this all at the last minute after everyone else replied, I also didn't have time to prepare many pictures this time. I hope that this helps everyone get a good Birdseye view of where we stand as a summary. The notes for my comments are longer than others because this *IS* my reply comments.

They're in no particular order and if I missed anyone because of the timing or any oversight on my part I apologize but I wanted to get it finished and submitted within the deadline. (I'm submitting it via a server in Hawaii where it's still December 13th) So....Aloha! And thanks to everyone that participated and worked so hard to contribute. I hope this is helpful and beneficial to everyone in the industry which I love.



Comment and Reply Position Chart

Organization	Auctioning 833 #s	Creating a Secondary Market
Gary Smith	For	For, pro free market
Verizon	For, only bona fide customers	Somewhat For, maintaining restrictions against hoarding/warehousing
1-800 FLOWERS	IF TM owners given 1 st option	IF TM owners given 1 st option
1-800 CONTACTS	Against on trademark grounds	Against
ATIS	Against because of increased costs	Against as unnecessary
Malcolm Ainspan	Against	Against
800 Response	Against, they should be released	Against auction and against changing regs.
Elizabeth White	Against	Against
Charles Harding	Against	Against
ATFP	For	For, eliminate regulations against transfers
Coalition of Canadians	Neither for or against	No specific comments
Power Auctions	For, with "Open" auction	For
CenturyLink	Against, would cause more problems than it would solve	Against or limited test only with no other changes
TollFreeNumbers.com	For on high demand, survey on low	For, after customer registry and regulations are more enforced

Comment and Reply Summary:

Somos 800 Administrators *Somos is neutral, but has done a good job and would like to continue.*
“Assignment Mechanisms Should Be Equitable and Efficient.”
“Auction Participation Should Be Limited to Resp Orgs.”
“Somos Could Facilitate an Auction and Incorporate Subscriber Information into the SMS/800 Database”
“Somos’s Financial Information Is Transparent”
“TFNs Have a Diverse and Growing Range of Business Applications”
“The Commission Should Clarify Resp Orgs’ Authority to Manage and Administer TFNs”

Elizabeth White Student
“to assign numbers through an auction process, does not result in an equitable distribution of TFNs.”
“Only allowing RespOrgs to “bid for numbers valuable to them” is no more equitable than the current first-come first-serve rule of assigning TFNs.”
“Creating a property interest in TFN’s is against public policy and could lead to a plethora of further concerns for the Commission.”
“Abandoning the brokering rule... would be contrary to the statutory provisions and to public policy.”

Gary Smith Firm related to branding *Favors reducing Regulations*
“We believe that many companies will start offering toll-free numbers for sale within months if not weeks after the FCC eliminates the warehousing/brokering/hoarding rules and this can be done in accordance with free market concepts without the FCC establishing any new regulations for the secondary market.

Verizon Large Carrier *Wants to insure prompt predictable reasonable costs*
“...should ensure that assignments remain prompt, predictable and at a reasonable cost”
“If the Commission moves ahead with its proposal to auction popular toll free numbers, it should do so in a targeted manner and in a way that preserves the many benefits and efficiencies of the current system.”
The Commission must insure that auctions “...are for the use and benefit of bona fide consumers.... [and] a very limited exemption from the prohibition on brokering toll free numbers, while otherwise maintaining restrictions against hoarding and warehousing.”
“Permissible secondary market transactions should not include speculative brokering, hoarding or warehousing.”
“To meet the Commission’s statutory numbering administration obligations, any new auction-based method of assigning toll free numbers should preserve the timely and cost efficient availability of numbers to consumers, while limiting secondary market transactions to non-speculative corporate ownership changes and ensuring that RespOrgs and their subscribers utilize numbers efficiently.”

1-800 FLOWERS Customer and Trademark owner *Trademark owners must be given first right of refusal*
“The Commission should grant trademark holders a “Right of First Refusal” with respect to equivalent or confusingly similar telephone numbers.”

1-800 CONTACTS Customer and Trademark owner *A good summary of all comments against*
“The NPRM seeks to fix a process that is not broken”
“The Commission [should] refrain from adopting any distribution process for toll free telephone numbers that could allow trademark-protected telephone numbers to be acquired by bad actors. Instead, The Commission should replicate the measures that are employed with respect to other intellectual property rights by employing a right of first refusal process for trademark holders.”

ATIS Alliance for Telecom Industry Standards *If it aint broke don’t fix it.*
“is opposed to auctions given the success of the existing toll-free allocation methodology and the significant unknown impacts that... disrupt the existing toll free marketplace, by drastically increasing the costs for RespOrgs, and ultimately, their customers.”
Why do all of this for 17K numbers which only represents 1/5 of 1% of the available pool?

“ATIS SNAC could not consider supporting this concept [of creating a secondary market] unless it was tied to greater enforcement of hoarding and warehousing rules. ...therefore supports maintaining these important rules even if auctions are used to allocate toll free numbers and a secondary market is created.”

“The Commission’s primary focus... [should be] maintaining the Commission’s warehousing and hoarding rules, noting that some of the challenges associated with the existing assignment mechanism could be eliminated by enforcement of existing rules... rather than the introduction of auctions or additional industry fees.”

Malcolm Ainspan Consultant *Analyzed the auction process but prefers “first-come, first-served”*

“The proper conclusion from the preceding comments [4 pages analyzing auction methodologies] is that continuing with the “first-come, first-served” approach to releasing toll free numbers would be preferable to the institution of a Vickery Auction for the 17,000 toll free numbers which were set aside.”

800 Response Vanity # Provider *We don’t need auctions and shouldn’t change the regulations*

“Opposes the institution of auctions for toll free numbers and urges the Commission to refrain from replacing the existing procedure, which has proven to be equitable and effective in recent years.” They go on to say that:

- RespOrgs don’t know the values and don’t need to warehouse or broker #s to have a secondary market.

- It would be expensive to implement and administer, placing smaller RespOrgs at a disadvantage.

Have a professional auctioneer administer it. Require end users to place requests so warehousing regs don’t have to be changed. “While there are some widely known cases of serious abuse of the warehousing rules, the rules are still respected by a large majority of Resp Orgs. Removing the prohibition would lead to far more pervasive warehousing.”

Against the “Vickery Auction method [because] it is inherently biased against small businesses.”

Set aside #s should be released and assigned on a first come, first served basis.

Charles Harding *Trademarks don’t give exclusive rights to the equivalent # in every area code*

“any auction process which undermines the existing protections on hoarding, brokering and warehousing tollfree numbers would create a proprietary interest in telephone numbers... harming small business by limiting access to the most valuable numbers to a privileged few willing to pay high premiums.”

ATFP Vanity # Owners *eliminate regulations against transfers!*

“Direct Transfers have no effect on the spare pool and must be allowed. [They] are the Essence of a Free Market.

The commission must remove the any suggestion that Direct Transfers are prohibited, as outlined in the ATIS petition. These transfers are done every day as a business reality. Stability is Paramount.”

Somos shouldn’t hold owner information because it’s too complex.

“We appeal to the Commission to retain warehousing rules, while allowing the free exchange of numbers among subscribers.”

“There are No “Trademark Protected Phone Numbers.” Trademarks are intrinsic in Domains, not phone numbers.”

Coalition of Canadian Resporgs *Didn’t make an argument for or against.*

“Any change from the traditional distribution process must provide direct and proportional benefits to current participants.”

“The proceeds of any toll-free number auction be used to offset the costs of toll-free number administration.”

“The FCC recognized that NPA 833 is a resource shared among 20 countries in the NANP, [and] request that the FCC clearly state that Canadians have an equal opportunity to bid on the toll-free numbers in question.”

Power Auctions Auction software and management *Supports an “Open” auction and wants to facilitate*

Supports an “Open” style auction as “it would yield a more efficient and equitable outcome... and raise higher revenues.” “The efficiency gains of an auction are likely to far outweigh the costs of implementing an auction.”

“Only RespOrgs should be allowed to bid in an auction.”

CenturyLink Large Carrier *Against because it “would create more inefficiencies than it would resolve”*
“CenturyLink urges the FCC to conduct any auction on a limited, trial basis ...before making sweeping changes to a toll free number assignment [process which] generally works well.”
“During the trial, rules prohibiting brokering, warehousing and hoarding numbering resources should remain in place so that the trial may be adequately evaluated without the influence of other variables.”
The small number of mutually exclusive requests, less than 0.2 % of the 8 million numbers, shows that the low cost of obtaining toll free numbers from the pool isn't the cause.
“A secondary numbering market stands to incent number hoarding and trafficking and encourage speculation... which may prompt the need for a new non-8XX toll free NPA to be opened.”

TollFreeNumbers.com Vanity # Search *For only high demand 833s, after customer registry & enforcement*
Some customers want and need a way to get better, more memorable numbers but we don't want to raise the cost or time it takes for everyone because of that.
This uncertainty and delay is definitely hurting customers and tying the allocation of the high demand 833s with the creation of a secondary market is making this whole process take even longer.
No reasonable amount of additional fees would eliminate the mutually exclusive requests and no major fee or change to all numbers is required for an issue only affecting 0.2% of the numbers.
An auction is a good method of allocation but ONLY for the very highest demand 833 #s that were set aside.
Trademarks, company names and domain names have to matter too, as the trademark owners are demanding.
Doing an auction for any of the 17K 833 numbers set aside to *end users*, doesn't require changing the regulations, it just means no person or entity should be allowed to acquire more than three numbers.
End users want ownership and to be able to transfer numbers, but this requires the customer registry.
The different levels of control which AFTP pointed out are a reason FOR maintaining ownership info, not against.
Requiring customer info in order to bid at an auction doesn't compromise anyone's privacy because nobody is required to bid on these numbers, and that info is necessary to insure no entity is hoarding large quantities.
Require phone companies to provide the customer information for the high demand 833 requests submitted on or about May 18th, and require customer information for any auction bid.
RespOrgs have to place the bids but can only do so on behalf of customers.
RespOrgs shouldn't be allowed to bid without a customer request just like they can't request numbers from the spare pool now without a valid customer request.
Don't allow any customer to bid on more than 3 high demand 833 #s, to minimize hoarding and brokering.
Enforce the regulations more going forward because you can't make a more transparent and open system until and unless things are cleaned up more.
Make customer information *optional* in the new TFN Registry as a way to test it's usefulness, Somos' ability to maintain it and the customers desire to be listed. This also allows you to transition into potentially requiring it.

I look forward to working with and being a resource for everyone as we modernize and improve the toll free world.

Very sincerely,



Bill Quimby
1-800 MARKETER
President of TollFreeNumbers.com